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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

062571

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Application Number

10/580,539

Filed

March 19, 2007

First Named Inventor

Shinji TOMITA

Art Unit

2833

Examiner

Alexander Gilman

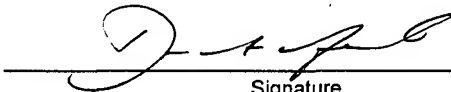
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record. 56,024
Registration number _____☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Darrin A. Auito

Typed or printed name

202-822-1100

Telephone number

February 17, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Shinji TOMITA et al.**

Art Unit: **2833**

Application Number: **10/580,539**

Examiner: **Alexander Gilman**

Filed: **March 19, 2007**

Confirmation Number: **3200**

For: **DUMMY TERMINAL**

Attorney Docket Number: **062571**

Customer Number: **38834**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: AF

Commissioner for Patents Date:

February 17, 2009

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Request is filed concurrent with a Notice of Appeal in compliance with 37 C.F.R. §41.31. Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

Claims 1-10 are currently pending. Claim 6 is allowable as noted in the Office Action. Of these pending claims 1-5 and 7-10 are rejected and form the basis for this Pre-Appeal Brief Request for Review. It is submitted that the Examiner has made a clear error in asserting: 1) Fields anticipates claims 1, 3, 5, 7 and 8; 2) WO 03/028166 anticipates claims 1, 2, 5 and 7; and 3) Hori et al. or the combination of Hori et al. and Young establishes a *prima facie* case of obviousness in teaching each and every feature of claims 1-5 and 7-10, as stipulated in the final Office Action dated October 15, 2008.

1) Regarding the anticipation rejection over Fields, it is respectfully submitted Fields fails to describe at least the recitation of claim 1 of, “dummy-terminal lock means including a lock member which is mounted on said dummy terminal body...”

Fields relates to a phone jack lock and describes a key 18 that is required to retract a locking element 14 to allow a lock 10 to be removed from a jack 16. (Fields; column 2, lines 35-36). In the outstanding Office Action the Examiner contends, “dummy-terminal lock means (release means) (18) including a lock member which is mounted on said dummy terminal body...” The Examiner’s contention is respectfully traversed.

As clearly illustrated in FIG. 2 of Fields, the key 18 does not include a lock member which is mounted on a dummy terminal body; but instead, the key 18 of Fields is inserted into a keyhole 30 and rotates the key which causes an angled segment of the key 18 to turn inside of a tumbler aperture 34 in the locking element 14 (these elements are illustrated in FIG. 3). (Fields; column 2, line 67 to column 3, line 2). Accordingly, the key 18 of Fields does not “include” a lock member which is mounted on a dummy terminal body.

Regarding independent claim 5, although the recitations are different from those of independent claim 1, the Examiner has not provided separate and individual consideration of claim 5. More specifically, the Examiner has failed to address at least the recitation of claim 5 of, “... said dummy terminal body having a base, an upstanding segment extending upward from said base, an engagement segment which extends approximately parallel to said base, and has a distal end formed as an engagement portion adapted to be engaged with and latched by a connector-terminal latching portion formed in said connector-terminal socket and a proximal end

connected to said upstanding segment.” It is respectfully submitted that the cited art fails to describe at least the aforementioned recitations of claim 5 of the present application.

Furthermore, the cited art fails to describe an upstanding segment extending upward from a base of a dummy terminal body and an engagement segment which extends approximately parallel to said base as recited in claim 5; instead, the cited art describes a singular lock element 14 which is in a locked position when its behind the inner surface of an inlet 20. (Fields; column 2, lines 60-64).

Regarding independent claim 7, although the recitations are different from those of independent claim 1, the Examiner has not provided separate and individual consideration of claim 7. It is respectfully submitted that the cited art fails to describe at least the recitation of claim 7 of, “...an upstanding segment extending upward from said base, an engagement segment which extends approximately parallel to said base....” Instead, the cited art describes a singular lock element 14 which is in a locked position when its behind the inner surface of an inlet 20. (Fields; column 2, lines 60-64). Further, the dependent claims are patentable for at least the reason of their dependencies.

2) Regarding WO 03/028166, it is submitted that the cited art fails to describe at least the recitation of claim 1 of, “dummy-terminal lock means including a lock member which is mounted on said dummy terminal body.”

In the outstanding Office Action the Examiner contends, “and dummy-terminal lock means (230, p.5 lines 11-18) including a lock member which is mounted on said dummy terminal body....” The Examiner’s contention is respectfully traversed.

The alleged dummy-terminal lock means (key 230 of Valentine) clearly does not include a lock member which is mounted on a dummy terminal body. Instead, key 230 of Valentine is turnably inserted into a key-receiving portion 212. (Valentine; page 5, lines 13-14).

Regarding independent claims 5 and 7, the Examiner has failed to provide separate and individual consideration of said claims. However, it is respectfully submitted that the cited art fails to describe at least the recitation of claim 5 of, "...said dummy terminal body having a base, an upstanding segment extending upward from said base, an engagement segment which extends approximately parallel to said base...." Furthermore, it is respectfully submitted that the cited art fails to describe or teach at least the recitation of claim 7 of, "...said dummy terminal body having a base, an upstanding segment extending upward from said base, an engagement segment which extends approximately parallel to said base...." Dependent claim 2 is patentable for at least the reason of its dependency.

3) Regarding the obviousness rejections, it is submitted that the cited art fails to describe or teach at least the recitation of claim 1 of, "dummy-terminal lock means including a lock member which is mounted on said dummy terminal body."

In the outstanding Office Action the Examiner contends that, "dummy-terminal lock means (7) including a lock member which is mounted on said dummy terminal body...." The Examiner's contention is traversed.

Hori relates to a connecting block for a telephone and describes a pin 7 that may be inserted through holes 23 across an opening 3a of a jack 3, as illustrated in solid lines in FIG. 1 of Hori. (Hori; column 3, lines 4-7). Accordingly, as the alleged dummy-terminal lock means

(pin 7 of Hori) extends through the side walls of a plug 4 transversely, the cited art does not teach or suggest at least the aforementioned recitations of claim 1 of the present application.

Regarding independent claims 5 and 7, the Examiner has failed to provide separate and individual consideration of said claims. However, it is respectfully submitted that the cited art fails to teach or suggest at least the recitation of claim 5 of, "...said dummy terminal body having a base, an upstanding segment extending upward from said base, an engagement segment which extends approximately parallel to said base...." Furthermore, it is respectfully submitted that the cited art fails to teach or suggest at least the recitation of claim 7 of, "said dummy terminal body having a base, an upstanding segment extending upward from said base, an engagement segment which extends approximately parallel to said base...."

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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